

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LEDERRICK NESBITT,

Plaintiff,

v.

ROB PERRSON, et al.,

Defendants.

No. 3:19-cv-00395-YY

OPINION AND ORDER

MOSMAN, J.,

On September 28, 2020, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F. & R.) [ECF 46]. Judge You recommended that I grant Defendants' Motion for Summary Judgment [ECF 43] and dismiss the case with prejudice. No objections were filed. Upon review, I agree with Judge You.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendation and I ADOPT the F. & R. [ECF 46] as my own opinion. Defendants' Motion for Summary Judgment [ECF 43] is GRANTED and the case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 23 day of November, 2020.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge